

REMARKS

Claims 13 and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Michaud (U.S. Patent 6,057,874) in view of Martinez (U.S. Patent 5,321,514). The Examiner states that, with respect to claim 13, Michaud discloses a wireless digital communication method (fig. 5 and col. 2, line 57 through col. 3, line 15) comprising: encoding message information (i.e. with data base information, and programming information) (col. 3, line 65 through col. 4, line 13) in the vertical blanking interval of an outgoing video signal transmitted from a first location (headed) (col. 3, lines 4-35, col. 3, line 65 through col. 4, line 13), said out-going video signal having a carrier (broadcast channel) (col. 3, line 65 through col. 4, line 13); receiving at a setup terminal 20 said out-going video signal (col. 3, line 65 through col. 4, line 13). Michaud differs from claim 13 of the present invention in that it does not explicitly disclose transmitting a return signal on said carrier of said out-going signal. Martinez teaches a TV transmitter/receiver for transmitting a return signal on said carrier of said out-going signal (claim 1, col. 30, lines 47-64 and claim 15, col. 31, lines 52-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Michaud television with transmitting a return signal on said carrier of said out-going signal in order to wirelessly synchronize the television with the headend when purchasing a pay per view event through a wireless connection which speeds up connection with the headend when seeking the pay per view event, as taught by Martinez.

With respect to claim 14, the Examiner states that Michaud discloses transceiver (receiver/transmitter) (fig. 3 number 115 and 103) for use in a wireless digital communication system (fig. 1) comprising: a receiver for receiving message information encoded in the vertical blanking interval of a video signal having a carrier (col. 3, line 65 through col. 4, line 13). Michaud differs from claim 14 in that it does not explicitly disclose a transmitter for transmitting message

information on the carrier of the video signal. Martinez teaches TV transmitter/receiver for transmitting a return signal on said carrier of said out-going signal (claim 1, col. 30, lines 47-64 and claim 15, col. 31, lines 52-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Michaud television with transmitting a return signal on said carrier of said out-going signal in order to wirelessly synchronize the television with the headend when purchasing a pay per view event through a wireless connection which speeds up connection with the headend when seeking the pay per view event, as taught by Martinez.

Applicants respectfully traverse the rejection of claims 13 and 14. As the Examiner recognizes, Michaud fails to disclose a transmitter for transmitting message information on the carrier of the video signal. The Examiner argues that the motivation to selectively combine the Martinez teaching of transmitting a return signal on the carrier of an out-going signal with the invention of Michaud is that one of ordinary skill in the art would desire to wirelessly synchronize the television with the headend when purchasing a pay per view event through a wireless connection, which speeds up connection with the headend when seeking the pay per view event. Without conceding that Michaud actually teaches transmitting a return signal on the carrier of an out-going signal, Applicants assert that there is no motivation to combine Michaud and Martinez.

There is no disclosure in Michaud that his invention contains a pay per view capability. Instead the invention of Michaud is directed to the delivery of VCR control codes. In particular, interactive delivery of the VCR control codes is disclosed at col. 6, lines 28-65. There simply would be no motivation to speed up the connection with the headend for a feature that does not exist in Michaud. Further, to transmit on the carrier of the video signal would require substantial modification of the set top terminal of Michaud, including not only changes to the transmitter but

also modifications to prevent interference with the received video signal. There is nothing to suggest that the cost of such modifications would be outweighed by any performance gains. Finally there is no suggestion in either Michaud or Martinez that transmitting a return signal on the carrier of the video signal would improve the delivery of VCR control codes.

Absent a motivation to combine Michaud and Martinez, the rejection of claims 13 and 14 cannot stand.

In view of the above, Applicants submit that each of the Examiner's rejections has been overcome and claims 13 and 14 define patentable subject matter. It is therefore submitted that the application is in condition for allowance. Reconsideration of the rejections and reexamination is requested. Allowance of claims 13 and 14 at an early date is solicited.

CONCLUSION

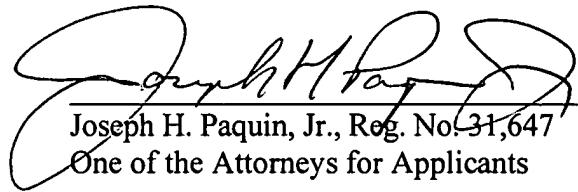
If, for any reason, the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorney at (312) 372-2000.

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Respectfully submitted,



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